

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.5342 of 2017

K.Chandrasekaran

...Petitioner

Vs

1. The Transport Commissioner,
Chepauk, Chennai-600 005.
2. The Assistant License Issuing Authority,
O/o. Regional Transport Office,
Chennai West, K.K.Nagar, Chennai.
3. The Regional Transport Officer,
O/o. Regional Transport Office,
Poonamallee, Chennai-600 056.
4. The Inspector of Police,
K-10, Koyambedu Police Station,
Traffic Investigation Wing, Chennai-600 107.
5. The Branch Manager,
Metropolitan Transport Corporation,
Kalaingar Nagar Depot, Chennai-600 078.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus or any other order or direction in the nature of Writ, directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 07 19810004566 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : M/s.A.Rajesh Kanna

For R1 to R4 : Mr.R.Venkatesh
Government Advocate

For R5 : Mr.P.Kannan Kumar

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The prayer in the writ petition is to issue a writ of mandamus directing respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 07 19810004566.

3.According to the petitioner, he is working as a driver in Metropolitan Transport Corporation at K.K.Nagar Depot. On 01.02.2017, he was driving the bus bearing Registration No.TN 01 AN 1659 from Thiruvallur to CMBT Bus stand.

4.The petitioner would claim that he stopped the bus at Maduravoyal ration shop at 11.00 p.m. At that time, he heard the alarm of the passengers and immediately, he got down from the bus and found that a motorist had hit the stationed bus and sustained simple injuries.

5.The petitioner would further state that for no fault of him, a criminal case has been registered by the 4th respondent against the petitioner in Cr.No.123 of 2017 under Sections 338 and 279 of IPC r/w Sections 122 and 177 of Motor Vehicles Act, 1988. Immediately, the 4th respondent has seized the license of the petitioner and handed it over to the 3rd respondent for cancellation of the license.

6.Mr.A.Rajesh Kanna, the learned counsel for the petitioner would submit that the authorities have to follow the procedure contemplated under Section 19(1) of Tamil Nadu Motor Vehicle Act for cancellation of the license. But in the instant case, the respondents without following the mandatory provisions has seized the license of the petitioner and the issued involved in this case is covered by the Division Bench Judgment of this Court reported in 2009 (2) TN MAC 252 (P.SETHURAM VS. THE LICENSING AUTHORITY, THE REGIONAL TRANSPORT OFFICER, DINDIGUL)

7.In the Judgment referred supra, the Division Bench has observed that the authorities have no jurisdiction to seize the driving license merely on the ground of registration of a criminal case and for modification and cancellation of license, the authorities have to follow the procedure provided in Section 19 (1) of the Act.

8.It is not in dispute that in the case on hand, the 4th respondent immediately, after registration of the criminal case seized the driving license of the petitioner and the procedure provided in Section 19 has not been followed. In the light of the decision cited above, the 3rd respondent is directed to hand over the license of the petitioner forthwith.

9. With the above direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Transport Commissioner,
Chepauk, Chennai-600 005.
2. The Assistant License Issuing Authority,
O/o. Regional Transport Office,
Chennai West, K.K.Nagar, Chennai.
3. The Regional Transport Officer,
O/o. Regional Transport Office,
Poonamallee, Chennai-600 056.
4. The Inspector of Police,
K-10, Koyambedu Police Station,
Traffic Investigation Wing, Chennai-600 107.
5. The Branch Manager,
Metropolitan Transport Corporation,
Kalaingar Nagar Depot, Chennai-600 078.

+1 CC to M/s.A.Rajesh Kanna Advocate Sr.No.13994

+1 CC to Mr.P.Kannan Kumar, Advocate Sr.No.14437

+1 CC to Government Pleader, High Court, Chennai Sr.No.14723

W.P.No.5342 of 2017

NMI (CO)
vs (16.03.2017)